

# THE IDEA OF THE OBSCENE

by

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LECTURE NOTES  
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2

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Joel Feinberg

This essay is an attempt to clarify the everyday concept of obscenity as it is employed unselfconsciously by ordinary people in ordinary situations (outside of law courts). I shall try to explain the various things ordinary persons are likely to mean when they judge things to be obscene, how they are likely to defend those judgments with reasons, what the objects of those judgments are likely to be (in our culture) and why *those* objects are selected, and how judgments of obscenity resemble and differ from judgments of other kinds, including moral judgments. I undertake this task in the conviction that more abstract discussions of obscenity, in legal as well as philosophical works, all too frequently suffer from the defect that the author no longer remembers exactly what it is that he is talking about, and that a few gentle reminders can be salutary. Furthermore, the forgotten ordinary concept, as we shall see, is surprisingly complicated.

1. *Two apparently conflicting rationales for the prohibition of obscenity.* To paraphrase a learned judge,<sup>1</sup> it is much easier to recognize obscenity than to say what it is. For a century and a half American appellate courts had little occasion to do either, since the constitutionality of statutes making obscenity a crime was rarely challenged. Until the detailed development of free speech doctrine in the period from 1918-1958,<sup>2</sup> it was routinely assumed that "obscenity" was the name of one of those large categories of exceptions to the constitutional protection of free expression, along with defamation, incitement to violence, counseling crime, fraudulent advertising, and so on. But as free speech protections were steadily tightened during the period in question, pressure mounted on the courts to spell out the obscenity exception with greater clarity and precision. This in turn led to efforts to formulate the underlying rationale for making an exception of obscene expressions in the first place.

From the beginning of these efforts there has been a strange divergence of justifications for prohibiting obscenity, stemming in turn, perhaps, from the oddly heterogeneous character of the materials most frequently condemned and prosecuted as obscene. The latter include hardly anything not encompassed in the Unholy Trio:

Nudity, Sex, and Excretion. The restriction of the term "obscene" to appropriately offensive materials of these three kinds is so striking that the authors of the Model Penal Code were led to *define* obscene material (in part) as that which appeals to a "shameful or morbid interest in nudity, sex, or excretion."<sup>3</sup> One leading rationale for the obscenity prohibition apparently results from a judicial concentration on nudity and sex to the total neglect of excretion. The normal person finds (some) sex and nudity *alluring*. Attractive exhibitions, descriptions, or depictions of nude bodies and sex acts can cause people to experience agitative palpitations accompanied by lustful, lecherous, salacious thoughts and images. (It is extraordinary how many ordinary, technical, and slang words we have for precisely the same state of mind.) According to some traditional moral views, now fortunately out of vogue, the very existence of such sexy states of mind is an inherent evil. If a judge or legislator makes this judgment and also holds the legitimizing principle I have called "legal moralism," namely that the prevention of sin or immorality as such, quite apart from harm, is a valid ground for prohibitive legislation, he need search no further for a rationale for prohibiting obscenity.

Very quickly, however, such a person is likely to stumble on a related, but distinct, rationale. Not only are sinful thoughts inherent evils, he is likely to hold; they also tend to have dreadful consequences on the character of the person who harbors them. Seductively alluring depictions of sex, according to a traditional legal formula, tend to "deprave and corrupt." Sexy and indecent thoughts turn the thinker into a sexy and indecent person. According to the legitimizing principle called "moralistic paternalism," it is bad (harmful) for a person to have impure thoughts and a depraved character whatever he may think about the matter, and the state has a right to protect him from his own folly by banning the corrupting materials. If a judge or legislator is sufficiently impressed by the allure of sexy materials and the general weakness of the flesh, he may even invoke the harm principle to justify prohibition of obscenity, to prevent his more impressionable neighbors from committing rapes and other anti-social sexual acts.

The rationales based on the aphrodisiac effect of ordinary sexual activity on the normal person are wildly implausible, however, when applied to so-called "emetic"<sup>4</sup> depictions of excretion and other sorts of scatological obscenity, or for that matter to normally disgusting perversions of sexual activity, for example, buggery,

bestiality, and sado-masochism, or to grotesquely unattractive nudes. Such materials are also standardly denominated "obscene," yet far from being dangerously tempting they are disgusting and revolting to the average person. It is in application to these forms of obscenity that the words "filth," "smut," and "dirt" seem most natural. To most of us, they are more like rotten fruit than like luscious, tempting, forbidden fruit. The most obvious ground for prohibiting them, one would think, is the need to prevent offensive nuisances to unwilling observers.

It has proved difficult for the moralist to have it both ways in his case against sexual obscenity. One can rest a case on too many grounds. Sometimes separate reasons may each be plausible considered in its own right, but contradictory or otherwise paradoxical when considered together, as when one child defends himself from the charge of striking another by saying "I didn't hit him and besides he hit me first."<sup>5</sup> Judge Jerome Frank pointed out the difficulty in his concurring opinion in *United States v. Roth* when that case was decided by the Second Circuit Appeals Court in 1956:

If the argument be sound that the legislature may constitutionally provide punishment for the obscene because, antisocially, it arouses sexual desires by making sex attractive, then it follows that whatever makes sex disgusting is socially beneficial—and thus not the subject of valid legislation which punishes the mailing of 'filthy' matter.<sup>6</sup>

The implacable opponent of obscenity has only one way out of Frank's dilemma. He can treat "alluring" and "disgusting" not as contradictory predicates that exhaust all the possibilities between them, but rather as mere contraries, that is, mutually exclusive alternatives that are not jointly exhaustive. Sex can be discussed or depicted in a way which is *neither* alluring nor repellent, as for example in scientific treatises, medical texts, and clinical analyses. The opponent of sexual obscenity then could urge that any treatment of sex that makes it especially attractive or repellent to the ordinary person should be banned. Alluring descriptions and depictions would be prohibited for the usual moralistic and paternalistic reasons (such as they are); repellent descriptions and depictions would be acknowledged to have some value in keeping lascivious thoughts and lewd actions at bay, but would be forbidden nevertheless because of their overriding disvalue as nuisances causing such unpleasant "offended states" of mind as disgust and

repugnance. Such a position is at least consistent, though it has little else to recommend it.

While Judge Frank overlooked the possibility that treatments of sex can be *neither* alluring *nor* revolting, Harry Kalven neglected the more subtle possibility that treatments of sex can be *both* alluring *and* revolting: "Since it [obscenity] cannot be both at the same time for the same audience, it would be well to have more explicit guidance as to which objection controls."<sup>7</sup> Kalven here misses one of the most important and elusive points about sexual obscenity: it *can* be both alluring and revolting in the same respect, at the same time, to the same person. This can happen in either of two ways, and here again is an elusive distinction. The experience of simultaneous allure and repugnance can be *shameful*, and hence on balance, profoundly offensive, or it can be what is called *thrilling*, and hence in some complex and qualified way, pleasurable.<sup>8</sup> And to further stagger our already overburdened conceptual categories, it can be in some proportion or other both shameful *and* thrilling!

Attraction and disgust are both involved in the complex mechanism of shameful embarrassment, the most distinctive mode of offensiveness produced by obscenity. Even a prude is vulnerable to the charms of sex. He sees; he momentarily experiences lascivious longings and impure thoughts; he blushes with shame at his own impulses. That may end the battle with conscience restored to its throne, or it may continue for an extended period with lust and shame contending like gladiators. In the most extreme and destructive case, the upshot may be prolonged self-hatred, with prurience curdled into disgust and loathing.

Thrill-seeking is quite another matter, equally complex, and if anything, more mysterious psychologically. Strange as it may seem to the prude, there are those who apparently *enjoy* the tension between allure and disgust, who find its inner turmoil and excitement "thrilling" and actively seek it out, very much as youngsters seek out roller-coasters and other exciting rides at amusement parks for the thrill of sensations that are normally alarming and generally taken to be disagreeable. The analogy is also close (though not perfect) to the thrills of watching horror shows and spooky, scary films. (In New York thousands queued up for hours in 1974 for the opportunity of being frightened nearly out of their wits by the film *The Exorcist*, and dozens of these vomited or fainted during the showings.)<sup>9</sup> There is also an analogy to so-called "tear-

jerkers" and even to genuine danger and discomfort as from motorcycle racing or mountain climbing. Most of these thrills (excepting cases of voluntarily incurred genuine danger) function psychologically as vicarious sublimations of genuine human drives for exciting activity and adventure, or as substitute objects for the working out of genuine emotional problems, while knowledge of one's real safety is "temporarily suspended." Similarly, it is exciting to the point of thrilling (for some) to be sexually naughty while really safe, to indulge one's lascivious thoughts and images and even to approach and playfully transgress the limits of imagination imposed by the inner censor, when one is no more likely to abandon oneself totally than one is likely in the analogous case to fall out of the roller-coaster.

In such ways as these, sexual pictures, films, and literary descriptions may cause and exploit inner tensions, ambivalences, and conflicts. Precisely the same materials may cause other viewers unalloyed pleasure, and still others may be "left cold," altogether unaffected emotionally. Those whose pleasure is unmixed and those who are unaffected one way or another are not likely to use the word "obscene" to describe what they see, except perhaps with "scare-quotes" around the word and the meaning "what is generally called obscene." When the materials are not thought to be truly offensive, neither are they thought to be *truly obscene* (said with feeling and without scare-quotes). Therein lies the first clue to the analysis of the concept of the obscene.

2. *The analysis of obscenity.* Obscene materials then, whatever else they may be, are offensive materials. A good start, but it doesn't take us far. A full analysis would specify the sorts of objects that can be obscene, characterize the mode or modes of offensiveness peculiar to the obscene, and tell whom, as well as how, obscenity offends. We can begin with the latter question. One and the same item can offend one person and not another; moreover, given the great diversity of mankind, there may be hardly anything that doesn't offend someone or other. Yet surely the word "obscene" will have very little utility if it can both apply and not apply to the same thing or if it applies near-universally to everything. A better beginning would be to say that "X is obscene" means "X is apt to offend almost anyone." This is to interpret "obscene" as what P. H. Nowell-Smith has called an "aptness word," one which "indicates that an object has certain properties which are apt to arouse a certain emotion or range of emotions."<sup>10</sup> Nowell-Smith



contrasted aptness words with purely descriptive words such as "red," "square," "tall," and "wet." Not that aptness words can't suggest that the objects to which they apply have certain properties, at least within a range, but rather that they do more than merely "describe" their objects in this limited way. To say that the view from a certain location is sublime is perhaps to *imply* that it is extensive and panoramic, but it is also to say, according to Nowell-Smith, that it is apt to arouse an emotion of awe or a stirring, breathtaking reaction, in one (anyone) who experiences it. And to say that it is apt to arouse that emotion in anyone is to say that it *will* arouse that emotion in a typical or "average" person in typical circumstances. If John Doe experiences the view from that location but is unmoved by it, that does not prove that the view is *not* sublime, but only that John Doe is not in certain ways a typical observer. Nowell-Smith's list of typical aptness-words includes the following: "terrifying, hair-raising, disappointing, disgusting, ridiculous, funny, amusing, sublime."<sup>11</sup> ("Disappointing" means "apt to disappoint"; "disgusting" means "apt to disgust"; "amusing" means "apt to amuse"; and so on.) The presence of "disgusting" on this list suggests that "obscene" might belong there too.

Aptness words, as Nowell-Smith conceives them, *can* be used simply to predict the reactions of other people to the objects of which they are predicated, with no expression of the speaker's own attitude. John Doe in the previous example, if asked to describe the view at the location in question, might reply, "It is sublime, although I was unmoved by it." But this is artificial and exceptional. For the most part, when a speaker uses an aptness word he wishes to imply that he himself has the reaction most people are apt to have, and further, that that reaction is the *appropriate* one to have in the circumstances. If a person who was in fact bored by a book tells you, in response to your query, that it is amusing, he may not be *exactly* lying, but he certainly misleads inexcusably, even if in fact the book is apt to amuse you and most other people. That is because when he said the book was amusing he implied, without exactly saying so, that he himself had been amused by it. Nowell-Smith understands this point well:

In default of other evidence the use of an A-sentence [one applying an aptness word] usually implies that the speaker has the appropriate reaction. It would be odd to say that a book was enlightening or amusing and then go on to say that one was not enlightened or amused by it. Odd but

not impossible. 'It was a terrifying ordeal but I wasn't frightened.' 'It may be very funny but I am not inclined to laugh.' . . . in these cases the 'subjective element' is expressly withdrawn; and since these statements are not self-contradictory, we cannot say that 'X is terrifying' either means or [logically] entails 'I am frightened by X.' Nevertheless, in default of an express withdrawal, we should always be entitled to infer that the speaker has the appropriate reaction.<sup>12</sup>

In typical usage, however, the speaker does more than imply that he has (has had, or would have) the emotion or feeling in question; he can be understood, in addition, to be *endorsing* that emotion or feeling as the correct or appropriate reaction in the circumstances. When Jones says that X is amusing, in the typical case, he can be understood to be (i) asserting that X would amuse the average person, (ii) implying (subject to explicit withdrawal) that it amuses him as well, and (iii) endorsing amusement as the correct or appropriate reaction to X. If there is any doubt about his intention to endorse, he can underline it by saying that X is "truly" or "really" amusing. The point applies (with occasional deviant variations) to the other aptness words such as "frightening," and "disgusting." This three-pronged analysis (predicting, expressing, endorsing) defines what we can call the "standard use" of aptness words.

Language is seldom so simple and rigid a thing, however, as to be summarized in such neat formulas, and wherever there is a standard use, there are likely to be various intelligible non-standard uses as well. In particular, aptness-words may sometimes be used in a non-endorsing way. A highly disciplined, courageous man might admit that certain circumstances are frightening because he knows that they are apt to frighten his auditors and other typical persons, and yet deny both that they frighten him *and* that fear is a natural, inevitable, or appropriate reaction to them. A moralist might concede that certain "ethnic jokes" are amusing while not only denying that amusement is the appropriate reaction to them, but also urging people *not* to be amused by them. A nutrition expert might admit that eating insects is disgusting, but deny that disgust is appropriate given the high protein content of broiled grasshoppers.

Sometimes aptness words are applied so constantly to a given class of objects that they acquire almost the force of fixed convention, so that it would seem perverse and even self-contradictory to

deny that they properly apply to those classes. Those who would, nevertheless, deny the appropriateness of the conventional response in these cases are forced to do it in other ways, while conceding that the aptness term applies in a *non-endorsing* way. To make that concession would be to use the aptness term in scare-quotes or in an "inverted comma" sense.<sup>13</sup> When an aptness word *A* is applied to some object *X* in this way it means roughly "what is called *A* by most people, but not necessarily by me." A familiar tip-off that a speaker is using *A* in this non-endorsing fashion is his use of the qualifying phrase "so-called," as in "a so-called dirty joke," or a "so-called nice girl." Even if he thinks that there is nothing dirty about risqué anecdotes, he may use the phrase "dirty jokes" as a conventional label for them, just as he uses (without endorsement of the appropriateness of offense) the conventional label "obscene words" for certain impolite epithets.

Another non-standard use of such words as "amusing," "frightening," and "disgusting" is to keep the endorsing function while dropping the predictive element. Normally, this is thought to be linguistically odd. If I learn that a situation that amuses me fails to amuse others, I will reluctantly admit that it is not really amusing while insisting that it amused me anyway. If I am frightened of closed doors, I will have to concede that they are not really frightening; they only frighten me. If I am disgusted by the sight of boiled potatoes, I will admit that they are not really disgusting while confessing that nevertheless they disgust me. (I may not know what is bad, but I know what I dislike.) It would indeed seem odd in these cases to insist that amusement, fear, or disgust are appropriate reactions while admitting that their objects are not apt to cause others to have those feelings. But there are times when we have enough self-confidence to stick by our guns and, whether "odd" or not, say: "I don't care whether anyone else in the whole world is amused (frightened, disgusted) by *X*, *X* is truly amusing (frightening, disgusting) all the same." When we get to this point our convictions are on the line and our arguments and reasons in readiness, so that we are not likely to have much patience for linguistic quibbles. "*I* am amused (frightened, disgusted) by *X* and I can present reasons why anyone in my circumstances *ought* to be amused (frightened, disgusted) by it," we might say. "The important question is whether *X* has characteristics that make it *worthy* of, or *properly* the object of, amusement (fear, disgust), not whether linguistic conventions permit the application of the word "amus-

ing" ("frightening," "disgusting") to it when no one else is apt to be amused (frightened, disgusted)."

A speaker's use of a word in this way to endorse an emotional response while wholly unconcerned about the extent to which that response is shared, is not so much a "non-standard use of an aptness word," as the conversion of an aptness word into a word of another kind altogether. Nowell-Smith calls such words as "desirable," "praiseworthy," and "lamentable," whose whole function is to endorse a particular type of response, "gerundive words,"<sup>14</sup> since they say, in effect, that a given responsive attitude "is to be" felt. Sometimes the conversion of an aptness word into a gerundive word creates a linguistic strain that is too great to sustain and the result is intolerable "oddness." Fortunately, there is usually another gerundive word, or endorsing word (as I prefer to call it) at hand to relieve the strain and permit the argument to proceed. Am I the only one who is amused by X? Very well then, perhaps X is not amusing. (I give up the aptness word.) But it is *funny* anyway, and exquisitely and subtly *comic*. Fully informed and genuinely sensitive people will be amused by it, whatever the general run of people may think. Am I the only one who is frightened by Y? Very well then, perhaps Y is not frightening, but it is objectively *threatening* and *dangerous* nevertheless, and any sensible prudent person will be frightened of it. Am I the only one who is disgusted by Z? Very well then, perhaps Z is not disgusting, but whether it disgusts others or not, the disgust it arouses in me is fully justified and appropriate. Perhaps more useful words for these notions would be "amuseworthy," "fearworthy," and "disgustworthy." They would *clearly* take the strain off the non-standardly used aptness words.

How, if at all, can one person rationally defend his judgment that disgust is a "worthy," proper, or appropriate response to some object or behavior, and how can one convince another, using rational means of persuasion, to share his emotional reaction? It may be impossible conclusively to support such judgments of appropriateness with reasons, just as it is impossible to *prove* (say) to an unamused person that some joke is truly amusing. The only way to convince the latter person may be to get him *somehow* (perhaps by reiteration, different inflection, background explanation, or contagious laughter) to share one's amusement. On this model for obscenity, the only way to convince a person that X is truly offensive is to get him somehow to share one's own shock or disgust,

perhaps by exposing him more vividly or thoroughly to X, by presenting X in a different light, by describing X in a new but accurate way, by background explanation, or contagious revulsion. These methods are not very similar to those used by mathematicians when they state the premises from which theorems follow deductively, nor to those used by scientists, historians and lawyers when they muster evidence that gives support to their factual claims, nor even to those used by moralists when they cite the authority for their moral judgments and principles. In contrast to these other modes of reason-giving, the methods for supporting judgments of the appropriateness of certain feelings (including judgments of disgust-worthiness) are "non-rational." But there need be nothing sinister involved in using so-called non-rational methods when the "reasons" offered are relevant to the case at hand. Reiteration, background explanation, and the contagion of example are surely "relevant" in a way in which arm-twisting, threats, and the use of drugs or hypnosis are not. And surely there is nothing sinister in the use of the best reasons one can find, even when they fall far short of rational demonstration. Perhaps that is what Aristotle meant when he wrote that in any given branch of discourse, "we should not expect more precision than the subject matter, by its very nature, admits of."<sup>15</sup>

Usage of terms like "obscene," of course, is far from clear-cut. It would be absurd for philosophers to waste time disputing over it. But it is possible to characterize in a general way at least some of its more important uses. Beyond that, further precision is both difficult and unnecessary. The word "obscene" then is commonly used either as:

- (i) a standard aptness word, with predictive, expressive, and endorsing elements, meaning roughly "disgusting," "shocking," or "revolting."
- (ii) a standard gerundive word used only to endorse a certain kind of emotional reaction as appropriate, and having roughly the meaning that "disgustworthy," "shock-worthy," or "repugnanceworthy" would have if there were such words.
- (iii) a non-standard aptness word used primarily or exclusively to predict the response of other people, actual or hypothetical, to the materials or conduct in question.
- (iv) a purely descriptive or classifying term applying a con-

ventional label with a "so-called" qualification tacitly understood, as in the phrase "obscene epithet" or "dirty joke." (This fourth use neither predicts, expresses, nor endorses any particular response to the materials or conduct in question.)

Our next task is to characterize more exactly the distinctive sort of offensiveness peculiar to the obscene conduct and creations of human beings. To facilitate this job, I shall draw on an astute but little known article by Peter Glassen.<sup>16</sup> In this article, Glassen coins the term "charientic"<sup>17</sup> to refer to a class of evaluative judgments which he thinks are quite distinct and different from moral and aesthetic judgments. Statements ascribing *vulgarity* are typical of the judgments in this category:

It seems to me that they [charientic judgments] are not moral judgments. The things thought to be vulgar—like chewing gum, making scenes, picking one's nose, etc.—are not commonly thought to be morally wrong or immoral. Moreover, a man may be thought to be of the highest moral character, and yet be held to be vulgar in greater or lesser degree . . . Conduct can be judged from more than one perspective at the same time . . . It seems to me to be pretty clear also that judgments in terms of 'vulgar' are not aesthetic judgments, being made mostly about persons and their acts, and not about things and experiences. 'Vulgar' applied to works of art is a transferred epithet; 'beautiful' and 'ugly,' however, are not.<sup>18</sup>

The class of "charientic terms," positive and negative, includes not only "vulgar," but "uncouth," "boorish," "tasteless," "philistine," "refined," "sensitive," "cultivated," "civilized," and "tasteful." These terms as a class clearly seem distinguishable from "righteous," "wicked," "honest," and "cruel," and also from "beautiful," "ugly," "dainty," and "dumpy."

Glassen goes on to distinguish moral from charientic approval; the former is akin to respect, the latter closer to admiration. Moral disapproval is, among other things, a resentful reaction, leading to indignation and settled hostility, whereas charientic disapproval is more akin to contempt, a "looking down one's nose reaction," and (when felt at a safe distance where strong personal offense is not taken) derision and ridicule. "We want to laugh at the vulgar; we want to punish the wicked."<sup>19</sup> But vulgarity at close quarters is no laughing matter. Its irritations can be severe, even if short of

harmfulness, and provoke snarling denunciations rather than derisive laughter or snobbish hauteur:

But sometimes we hear tirades against vulgarity. They can have the fervor and virulence of the outraged moralist, but they do not express a moral point of view. They proceed from irritation at having to put up with the unpleasantness or frustrations of living in an uncongenial milieu.<sup>20</sup>

The charientic vocabulary runs separately but parallel to the moral vocabulary in various other respects too. Since most vulgarity is unintentional (done in ignorance) there is no charientic counterpart to guilt, Glassen tells us, but we do feel a kind of embarrassment analogous to moral shame when we suddenly realize that we have committed, however inadvertently, a "charientic *faux pas*."<sup>21</sup> Similarly, moral hypocrisy has its counterpart in charientic affectation, self-righteousness in snobbishness. People to whom charientic virtues are supremely important may refrain from immoral conduct not so much because it is immoral as because it is vulgar, "beneath them," "cheap," "bad form," or "bush-league." Acts of dishonesty, rudeness, cruelty, and the like, are very often *also* crude and gross, not the sorts of things a person of refined sensibility or good upbringing would do. Here charientic judgments reinforce moral ones and apply with equal relevance to immoral conduct. Still, the charientic and moral standards, even in combination, retain their separate identities.

Ascriptions of obscenity to persons, their actions, or as "transferred epithets" to their creations, are the charientic judgments *par excellence*. That is not to say that judgments of obscenity are the most typical or representative charientic judgments, but rather that they are charientic judgments of the most extreme kind. Obscenity is the outer limit of vulgarity. To the question "How vulgar can one get?", the answer is "vulgar to the point of obscenity." Obscene conduct is not merely in "bad form," ungracious and unseemly; it is conduct in the worst possible form, *utterly* crude, coarse, and gross. The adjectives that regularly consort with the noun "obscurity" fully reveal its extreme and unqualified character: the obscene is pure and unmixed, sheer, crass, bare, unveiled, bald, naked, rank, coarse, raw, shocking, blunt, and stark. It hits one in the face; it is shoved under one's nose; it shocks the eye. The obscene excludes subtlety or indirection, and can never be merely veiled, implied, hinted, or suggested. The idea of a "subtle obscenity" is a contradiction in terms.

An obscene person, then, is one whose character or conduct is so extremely deficient in the charientic graces as to be downright repulsive, a person who is apt to offend anyone, and in response to whom offense is an appropriate (or at least an understandable) response. The obscene person is *coarse*—and then some. The *Webster's Third New International Dictionary* contains a revealing discussion of the word "coarse" comparing and contrasting it with its near synonyms, among which it includes *vulgar*, *gross*, *obscene*, and *ribald*. Coarseness itself when applied to character and conduct is a paradigm of a charientic term referring to one who is "crude or unrefined in taste, manners, or sensibilities; without cultivation of taste, politeness or civility of manner, or delicacy of feeling," often "crude and indelicate of language or idea, especially with violation of social taboos on language." "Vulgar" is much the same in meaning, but is an even stronger term, one which "may suggest boorishness." "Gross" is clearly a close relation, but one which "stresses crude animal inclinations and lack of refinement." "Obscene," of course, "is the strongest of this group in stressing impropriety, indecency, or nastiness. . . ." Finally "ribald" suggests "rough merriment or crude humor at the irreverent, scurrilous, or vulgar." Ribald behavior, I should think, is merely naughty, though perhaps extremely so, but the other terms in this negative charientic family apply to the repulsively offensive, and of those, "obscene" is by far the strongest, unless we include in this group, as *Webster's* did not, the word "indecent."

The terms "decent" and "indecent" are more confusing than the others we have considered, probably because there are two concepts of decency and indecency, one of which is moral and the other charientic. There is no doubt that the charientic sense is etymologically prior to the moral one, and that "indecent" does belong in the same charientic family that includes "coarse," "gross," "vulgar," and "obscene." The positive term "decent" came into English no later than 1539 from the French *décent*, which was derived in turn from the Latin *decere*, to be fitting or becoming, which is related to the Greek *dokein*, to seem good (with emphasis on the seeming) and the Sanskrit verb for seeking to please, or being gracious. It is closely related to such other English words as "decor" and "decorate," "decorous" and "indecorous," and "dignity" and "indignation." The *Oxford English Dictionary* lists among its primary senses "becoming, suitable, or proper to the circumstances . . . seemly," and "in accordance with propriety or



good taste, especially free from immodesty or obscenity." Webster's defines it as "fitting in words, behavior, dress, or ceremony, especially in relation to an accepted standard: decorous, proper, seemly, as in 'decent conduct,' or 'decent language.'" Indecency, on the other hand, is an "offense against delicacy" or "against decorum." An indecent act is one that is "unbecoming, unseemly, or indecorous," as, for example, one done in "indecent haste," and indecent language is "unfit to be seen or heard, as offensive to modesty and delicacy."

The purely charientic concept of indecency that is captured in these dictionary definitions applies to offensive or unfitting ways of appearing, to "how things look" to observers. Conduct is indecent in this sense because it has characteristics that make it extremely unpleasant to witness. For one reason or another it makes observers uncomfortable; it can make them squirm with embarrassment. The wholly charientic sort of indecency has such effects on us even when we have no objection in principle to the category of behavior it exemplifies. There are many kinds of charientically indecent conduct that are not inherently immoral by any one's standards and would be utterly unobjectionable if done unobserved, in private. H. L. A. Hart cites sexual intercourse performed in public by a married couple as behavior that is indecent (in its context) but not immoral, since it would be wholly innocent if done in private.<sup>22</sup> More subtle examples concern areas of life that have nothing to do with sex. Indeed any conspicuous display of behavior that makes observers uncomfortable, any bold flaunting of tastelessness, can appear "indecent" in the purely charientic sense. Robertson Davies in his novel *Fifth Business* uses the word "indecent" to describe the behavior of an overly ardent clergyman who embarrasses his congregation with excessive public displays of piety, though hardly any amount of religious ardor in private could be "excessive" in one who has chosen the religious vocation:

A few of his flock said that he walked very closely with God, and it made him spooky. We had family prayers at home, a respectful salute to Providence before breakfast, enough for anybody. But he was likely to drop on his knees at any time and pray with a fervor that seemed indecent. Because I was often around their house, I sometimes stumbled in on one of these occasions, and he would motion me to kneel with him until he was finished—which could be as long as ten or fifteen minutes later.<sup>23</sup>

A second class of examples portray conduct that is "indecent" in a hybrid sense, partly charientic and partly moral. Such conduct offends observers not because it is the sort of activity that is generally unpleasant to observe, but rather because it is thought to be *unfitting* to the special circumstances in which the actor finds himself. The offense is partly moral because it betrays attitudes in the actor that the observer finds morally inappropriate, and the very existence of the attitudes is an affront to moral sensibility. But the offense is also partly charientic because the objectionable attitudes, when publicly flaunted, are symbolic gestures of disrespect and *therefore* unseemly, unbecoming, indecorous. A motley of examples involving "indecent haste" illustrate well this hybrid class. There is nothing inherently immoral in attending a joyous songfest in a tavern, but it is unbecoming (at the very least) when done in indecent haste after the funeral of one's parent or closest friend. And there is nothing immoral as such in seeking to court a lady, but it is unseemly (at the very least) when done in indecent haste after the death of her husband or of one's own wife. The disrespectful attitudes manifested in these examples may or may not be morally objectionable, but when they are morally flawed they are so whether publicly exhibited or not. In these cases, however, their *display* in the circumstances adds a new dimension of offensiveness to them. We are made acutely uncomfortable by the naked exhibition of private feelings and moral flaws which (like their physical analogues) are best kept out of public view. It is bad enough to *be* morally objectionable in a certain way, but it is wrong on an additional ground to let oneself *appear* as one in fact is. It is extremely bad taste to flaunt one's moral flaws. And in the examples above, the *revelation* of the flaws is itself an insult to the memory of the departed.

Indecency of the third, or purely moral kind is a very special way of *being* immoral whether one's objectionable behavior occurs in public or in private. The Victorian husband who always keeps up appearances in public but bullies his helpless wife mercilessly in the privacy of their home is not a "decent fellow." His cruelty is so beastly it is "positively indecent," as we say, whether or not there are observers to be offended by it. If he loses control of his temper at a public function and shamelessly humiliates his wife in full view of her friends and associates, then his behavior is indecent in both senses: shamelessly immoral and tastelessly exhibited. It is only in the latter instance that it is obscene, for in the private case

there are no observers to be disgusted. When it does offend it does so by being a blatant violation of the observer's moral principles, a shock to his *moral* sensibility, not merely an affront to his senses, his taste, or his dignity, as the sight of a person defecating, for example, might be.

A "thoroughly decent man," in the wholly moral sense, is not simply a person who refrains from unseemly or indecorous public behavior. If that is all the phrase meant it would be faint praise indeed. Rather it is a person of unquestioned integrity and rectitude. It is this same, familiar, wholly moral sense that explains why we sometimes "appeal to a person's decency" when we implore him to help someone in serious need. "In all decency," we may ourselves say, "I could not stand by and watch him suffer." This use has nothing to do with charientic graces, no more than *being* good (in the most basic and important ways) has to do with merely *seeming* good, or more to the point, with merely not seeming outrageously bad.

3. *The genesis of obscenity.* Extremely coarse and indecent acts are models of obscenity, but they are certainly not the only things, and possibly not even the original sorts of things to which the word has been applied. Etymologically the word is said to derive from the Latin *ob* (to, before, against) plus *caenum* (filth). Presumably, the Romans used a similar term in their language to mean "of or pertaining to filth." The word is still applied in English to natural objects that may in no way be the product of human design. Anything in nature that is rank and raw is likely to strike us as obscene. We think of both natural objects and human wastes as obscene when we think of them as filthy, foul, slimy, snotty, and generally loathsome to the senses. One of the standard uses of the word is to refer to things that are "obscene to the touch." *Webster's* quotes an unnamed writer who reports that "obscene fungi clothed the wall of that dank cavern." An "unnaturally" dank and musty toadstool is hardly surpassed in obscenity unless by a wriggly slug in the black mud under a rock. Obscene objects send shudders up our spines and set our teeth on edge.<sup>24</sup>

It is not unlikely that the psychological origin of the idea of the obscene (quite apart from the derivation of the word) is located in what may be called the "Yuk reaction" implanted in children by their parents in the crawling stage of infancy. Imagine a typical scene in a city park on a spring day. Mother watches from

a bench as her child reels or crawls on the grass. Soon an object catches the infant's eye. He moves into its range and by a sudden instinctive motion the object is in his hand, and the hand is moving towards his mouth. The object might be a discarded cigarette package, a thoroughly used wad of chewing gum, a bit of dried animal dung, some unidentifiable slimy thing, a worm, or an ice cream carton with an oozy residue compounded of melted chocolate, saliva, and mud. The mother, of course, springs to her feet in horror. "No, no!" she cries; "Dirty! Nasty! YUK!" These and similar admonitory locutions are uttered with the expression of one who is so ill she is about to regurgitate, and a characteristic tone and inflection that marks this type of prohibition off from various other kinds. Eating strange objects is not morally wrong like eating brother's candy; it is not selfish, mean, unfair, or cruel. It is simply (what better word is there?) YUKY.

The child usually learns his lessons all too well. The grasping-tasting reflex is brought under control soon enough, but is then followed by a period of excessive fastidiousness (common between the ages of seven and twelve but extending even into adulthood among the neurotically childish) during which the child distrusts all strange dishes and reacts to the likes of an unfamiliar Lobster Newburg or Moules Marinières (no doubt imitating mother's original manner) with an emphatic "Yuk!" or a disdainful "How gross!" From then on, education of the tastes is an uphill struggle.

There is little doubt that the yuk reaction serves the cause of hygiene and health, even of infant survival. It is apparently a learned reaction for the most part, the infant learning to control his instinctive movements by negative reinforcement. But some repugnances are close to universal even among small children, and it is possible that some of these have an instinctive basis. Desmond Morris has suggested, for example, that aversion to snakes, beetles, and small crawly things might be instinctive.<sup>25</sup> Inherited aversive responses of that kind might well have had strong survival value leading to their preservation by evolutionary processes, much in the manner of feline "nervousness," or the constant head movements and general skittishness of birds. In any case, learned or not, there is no doubting their utility, within limits, to the species.

Yuk reactions to things perceived as dirty, gross, or unnaturally strange, whether learned or inherited, are natural and universal phenomena. The sorts of things that can trigger the reaction, of course, vary widely among mankind, with varying conceptions of

what is filthy, or strange, or "yuky." And various alternative reactions are possible even to acknowledged dirt, starkness, or rawness. Consider such objects as vivid, close-up, highly magnified, color photographs of male and female sex organs in a state of full engorgement and excitement. A person might have any one (or some combination) of four purposes in peering at these unnaturally abstract and depersonalized objects, and with each purpose goes a characteristic attitude of response. The first of these is the reaction almost anyone would be apt to have if caught off guard and suddenly confronted with the photographs, or their images projected on to a large screen, namely, a spontaneous shrinking away. The enlarged technicolored organs are "too much!" Too much even of a good thing is coarse and sickening. The second reaction might be that of a diagnostic physician or a medical student: detached, objective, scientific. Looking at vulvas or penises in that spirit is like looking at any other organ, healthy or diseased, or like looking at an X-ray picture. The third possible reaction is one which would tend to be inhibited by either of the first two, but which might emerge nevertheless, and coexist to some degree or another with the others. That would be to find the pictures strangely moving despite their surface repulsion, and to feel the first internal rumblings of a "genital commotion." The detailed enlargements might make the objects a bit too stark and coarse for full comfort, but the thought that what one is looking at is, after all, somebody's sex organ, might yet be unsettling and lust-inducing. Obscenity, in this case, is a barrier to prurience which must be overcome, and not itself a direct inducement. A fourth possible (but not very likely) reaction would be openly to revel in the coarseness of the pictures, to see them as yuky and yet to wallow in them in full and public abandonment.

To which of our hypothetical observers will the pictures seem *obscene*? Clearly they will be thought and experienced as obscene by the first observer, and clearly not by the second. The ambivalent reaction of the third observer, in which repugnance is overlaid with or even overcome by lust, is no doubt what many judges and moralists have thought to be the very model of obscenity, but it is better analyzed as a mixed case, in which the bald and coarse elements properly called obscene fail to suppress an attraction that teases and goads withal. The fourth case raises special conceptual problems that will be dealt with below. The open reveler clearly does not regard the pictures as obscene. His is not a yuk reaction. But

another party who takes in the whole scene that includes (say) the pictures projected on a screen and the lewd and open reveling in them by the observer, is likely to regard the composite spectacle as obscene, just as he might similarly react to a person's joyous reveling at the death of an enemy at the latter's funeral. In both cases, a second party might locate the obscenity not in the stimulus (the pictures, the death) but in a grossly inappropriate response to it. In a similar way, a Moslem or an orthodox Jew might not think that the bare existence of a roast of pork is obscene, but he may behold a coreligionist savoring every bite of the forbidden food, and take that *response* to the roast pork to be obscene.

Tabooed behavior and other conduct grossly violative of an observer's "higher order sensibilities" mark a third category of obscenity, to go with things that are directly offensive to the senses and to the "lower order sensibilities." Almost anyone is apt to be offended by the odd and alien appearance of creatures who look as if covered with mucus, phlegm, or congealed wound products all of which are loosely associated with the unhealthy, the dirty, the excretal. These objects may directly offend the senses, or they may be *seen as* (say) slugs and *therefore* disgusting. But the roast pork example shows that objects and activities can also be *seen as* tabooed and *therefore* disgusting, and extreme instances of this sort too are called "obscene." Moreover, examples of so-called indecencies show that gross and naked violations of moral principle (e.g. an observed act of torturing a prisoner) are also disgusting to the point of obscenity.<sup>26</sup>

4. *The scope of the obscene: clues in extended applications.* Instances of crassly repugnant violations of standards of appropriate and decent conduct, or of violations of ideals and principles, are likely to include a large diversity of things other than, or in addition to, the sexual and scatological. It may well be true that the word "obscene" gets stretched in its application to some of these things. To those who follow the Model Penal Code definition that restricts obscenity to offensive treatments of Sex, Nudity, or Excretion, other uses of the word may seem secondary and derivative, or even metaphorical. No discussion of obscenity can be complete, however, which fails to examine some of these "extended applications," for they are common, clear, and unpuzzling uses of the English language, and they present clues to what is essential and easily overlooked in the core meaning of "obscene." All are based on analogies to something central in the primary applications of

the word (to yuky natural objects and coarse behavior and created objects.) It will be especially useful to examine specimens of non-sexual and non-scatological uses if we are to find a hidden key to an essential element of the word's meaning that it possesses even when it is applied in more familiar ways. Consider then the following ten sentences:

1. "Death under the stars is somehow obscene."<sup>27</sup>
2. "The machine gunning of Bonnie and Clyde in the climactic scene of the film may have been morally and dramatically justified, but the blood spurting out of the bullet holes as bullets splattered the bodies was a naturally revolting sight—so offensive and shocking to the senses as to be obscene."
3. "Nothing is more obscene than a public beheading."
4. ". . . the obscene little counter-demonstrations lewdly exulting in the forthcoming deaths."<sup>28</sup>
5. "'We couldn't have Buddhist bonzes [monks] burning themselves on street corners and Madame Nhu [sister-in-law of Mr. Diem] making obscene comments about bonze barbecues,' Mr. Ball said. 'The coup was inevitable.'"<sup>29</sup>
6. "In such cases the sufferer may be reduced to an obscene parody of a human being, a lump of suffering flesh eased only by intervals of drugged stupor."<sup>30</sup>
7. "The portrait of Dorian Grey was unveiled in all its obscene horror in the technicolored climax of the film."
8. "The debate . . . was almost obscene in its irresponsibility."<sup>31</sup>
9. "It would seem that Mr. Kraft's premise dictates that the primary effort of the United States should be to control its private oil firms so that they begin to operate in the nation's interest instead of continuing their present tactics of reaping obscene profits while unemployment gains and the domestic economy crumbles."<sup>32</sup>
10. "'Nigger' is the most obscene word in the English language."<sup>33</sup>

The first five examples all have to do with *death*, a subject so liable to obscene treatment, it is a wonder that it has not broken into the Model Penal Code's Unholy Trio, or at least enlarged it into a quartet. To speak in the bluntest terms of sexual intercourse in the company of young ladies was once thought to be the clearest

case of obscene conduct, but in this day and age it is probably thought by most to be no more obscene than to speak of death agonies to an audience of octogenarians, and especially to use such crass terms as "croak," "carcass," and "corpse," or to refer to a cemetery as a "bone orchard." Death is now one of the last unmentionable subjects, at least in the company of the ill and aged. And think how uncomfortable we are all made when a very old person speaks in an open way of his own impending death. Furthermore, there is nothing more obscene in a perfectly literal, hard-core sense, nothing from which we naturally shrink with greater disgust and horror, than a close-up view of a dead human body with its protruding eyes and greenish skin. Nor is there any more obscene conduct imaginable than patently inappropriate responses to a dead body—desecration, savage dismemberment, brutal gestures, cannibalism, or necrophiliac embraces.

The first example in the list is perhaps the hardest to interpret out of context. Very likely, the author thinks of the death of an old or ill person in his own bed or in a sickroom as the paradigm of a proper demise, as natural as birth, or growth, or decay, and not to be lamented. To be out in the open air under a starry sky, on the other hand, is the proper province of the young and healthy, the active or the pensive, lovers, loners, and dreamers. When a young man, therefore, is shot down "under the stars," the spectacle seems unnatural and "inappropriate" and hence more repellant than death in more normal circumstances.

The death scene in the film *Bonnie and Clyde* employed new cinematic techniques, later widely imitated, for simulating the impact of lethal objects on human bodies in the most startlingly realistic way. The effect of this shocking close-up realism, in contrast to the happy-go-lucky pace of everything that preceded it in the film, is to shock the viewer in an almost intolerably forceful way and bring home the message of retribution with maximal dramatic impact. Rather than impede the dramatic purposes of the film, this utterly revolting scene enhanced them, showing that even emetic obscenity can have its aesthetic uses. For the most part, however, an excess of blood and guts tends to distract and overwhelm the viewer and thus weaken the impact of the play. Havelock Ellis may have been mistaken on etymological grounds, but he was psychologically insightful nevertheless when he suggested that the obscene is what must be kept "off stage" and only referred to or symbolized on the stage (like the blinding of Oedipus).<sup>34</sup>



To any cultivated and moderately unworldly or hypocritical Englishman at the time of the French Revolution, surely nothing was more obscene than the mass public beheadings of The Terror. And indeed public beheadings were paradigmatic obscenities, being blatantly offensive on several distinct grounds. First, the decapitated bodies and severed heads were *obscene objects par excellence*. Second, the act of beheading is such a gross and blatant violation of the ideal of humanity, so stark and open and defiant a breach of moral principle as to be an obscene *act*. Third, the performance of an obscene act before an *audience* is so grossly repugnant to what is appropriate, so gratuitously violative of the dignity and privacy of the victim, as to add still another dimension of obscenity to what is already richly obscene in its own right.<sup>35</sup> Finally, the blood lust manifested in the "obscene" shrieks of joy from the revolutionary mobs as heads fell into the bucket was so manifestly inappropriate a *response* to the primary event as to sicken a squeamish observer all by itself. The presence of an audience itself makes the spectacle obscene. The responses of that audience make it doubly so.

One can imagine easily enough a context for the fourth specimen in the list. We can think of demonstrators picketing in front of a darkened prison, or standing in prayerful vigil on behalf of doomed political prisoners, the Rosenbergs say, or Sacco and Vanzetti. Across the street a raucous group of benighted counter-demonstrators carries placards urging that the loathsome traitors be given the hangings they deserve, or claiming that hanging is too good a death for the bastards. Reluctant or righteous advocacy of the death penalty is a perfectly civilized and dignified posture; hatred and blood lust, poorly disguised though indirectly conveyed, is another thing, disgusting perhaps, but not yet obscene. *Raw unveiled* blood-lust, on the other hand, loudly and proudly expressed without subtlety or innuendo, is as obscene as a manifested emotion can be. (Unless the cold supercilious barbarism of Madame Nhu's attitude towards the self-sacrificing monks in specimen number five counts as an "emotion.")

A "lump of suffering flesh" that used to be a fully dignified human being is a sight from which all but the most hardened among us would recoil in horror. Such a "person" is a revolting object from which our senses shrink, but it is also a degraded human being, deprived of hope, privacy, dignity, even self awareness. A rotting fruit offends our senses; a hopelessly decayed human being breaks our heart as well. The "parodying of humanity" is

what is grossly repugnant to our sense of appropriateness, and obscene in its revolting horror.

The portrait of Dorian Grey has certain similarities to the previous example, but some interesting differences as well. The picture, of course, is hideously ugly. We recognize it (just barely) as a man's face covered with scabs, running sores, broken teeth, bloody eyes, and a grotesque and inhuman expression. It does not merely offend our senses (although it may do that too). Rather it strikes us as obscene because we recognize it as the sort of object it is, a parody of a human face.

It would seem to follow that any actual human being who is grotesquely malformed or ugly must appear obscene to those who observe him. I see no way of avoiding this conclusion. A grossly, hideously ugly body is an obscene sight in the same way and in the same sense that a slimy slug or a cavern fungus is. But this consequence of our analysis has no unwelcome moral implications. A person, after all, is more than his body or his face, and the obscenely ugly and deformed *can* have as many virtues of character and intellect, and *certainly* do have the same human rights, as anyone else.

It does not follow from our treatment of this example, moreover, that obscenity is an "aesthetic category," even on the assumption that ugliness itself is an aesthetic category. The judgment that a given work of art is extremely ugly is an aesthetic judgment, though of course it is not by itself the expression of an overall appraisal. (A painting can be ugly even to the point of obscenity and yet full of aesthetic merit on balance.) Extreme ugliness, conceived as a "positive" aesthetic flaw, can spontaneously offend the eye and the sensibilities too, and when it is sufficiently barefaced and stark, it is obscene. But the judgment that the painting is obscene is not itself an aesthetic judgment in the way the judgment of ugliness is, nor is the yuk reaction elicited by obscene objects itself an "aesthetic response." A badly decorated room with clashing colors, mismatched pieces of furniture, and inharmonious and cluttered designs, may be judged ugly by the discerning decorator, rightly confident of his professional judgment. Its arrangements conspicuously fail to satisfy certain conventional criteria, and unless some further effect (e.g. amusing campiness) has been deliberately attempted and successfully achieved by means of the contrived ugliness, the overall aesthetic evaluation will be decisively negative too. But if the furniture is all ripped and torn, the wall paper

stained, the room covered with dust and littered with debris, so that the ugliness is accentuated to the "point of obscenity," the resultant judgment of "yukworthiness" will not be a further critical judgment of an aesthetic sort.

When we call faces ugly, we may mean that they fail to satisfy certain conventional criteria of form and "composition," in which case we make a kind of "negative aesthetic judgment" about them. "The eyes are too small, the nose too long, the lips too full," we might add, thus giving an account of the way the face fails to succeed aesthetically. We might still find the homely face as animated by the spirit of its owner pleasant enough to behold, even if deficient when considered as an aesthetic object merely. But if the facial features are so grossly deformed as actually to hurt the eye, and cause involuntary shrinking and disgust, we are attributing no further aesthetic property to them when we say so. Rather we have left the realm of the aesthetic altogether for the sphere of the disgusting, the revolting, and (*in extremis*) the obscene.

Attempted works of art that fail on aesthetic grounds so often manifest nonaesthetic flaws also, that it is easy to confuse the two types of defect. In particular, the work is likely to manifest moral or charientic flaws of its creator, so that they are attributable to the work itself only as "transferred epithets." "Obscene" when it is applied in this way to an art object attributes extreme vulgarity to the artist rather than an aesthetic flaw to his creation, though in all likelihood, such aesthetic defect will also be present. There may be some special cases where the work of art (or literature or drama) fails not because of the presence of an aesthetic "bad-making characteristic," but rather because of the absence of aesthetic "good-making characteristics," and in these cases it will be easy to confuse the artist's moral or charientic flaws with aesthetic bad-making characteristics present in the created work, especially when those flaws are strong enough to produce a reaction of repugnance. Revulsion, however, is characteristically either moral, charientic, or yucky. It may well be, in fact, that there is no such thing as pure "aesthetic revulsion," properly speaking, that by the time an emotional reaction is strong enough to be revulsion it has imported elements from these other realms.<sup>36</sup>

In those infrequent cases when we condemn a work of art as an aesthetic failure even though we can identify no positive feature of the work that is a peculiarly aesthetic flaw, the aesthetic failing is a result of the absence of aesthetic virtues rather than the presence

of transferred nonaesthetic flaws. A work of art either succeeds or it fails. When it succeeds it will manifest "beauty" or, more likely, some *other* aesthetic virtue; if it does not succeed, it will fail to achieve such positive effects, and its aesthetic value, therefore, will be nil. In that case it may simply fail to move us one way or the other. We will shrug our shoulders and say it leaves us cold, and so far as the aesthetic dimension of our experience is concerned that is an end to the matter. Such works of art will either have positive aesthetic value or they will have *no* aesthetic value, but they do not appear to have peculiarly aesthetic negative value (unless that phrase is used simply to refer to the *absence* of positive aesthetic merits). There may, of course, be negative elements in our experience, but these will not be, properly speaking, aesthetic elements. The work might, for example, be trite, hackneyed, exploitative, imitative, cheap, or vulgar, and these features might bore, anger, even disgust us. But the offense we take, in these cases, is better understood as moral or charientic than as aesthetic revulsion. Our negative aesthetic judgment will be, simply, "it did not work." When we add that it was a phony, cynical, inept, unserious work as well, we are passing a kind of moral judgment on its creator, just as to say that it is vulgar and trite is to make a charientic judgment about its creator. If the work also has features (such as intense ugliness) that trigger the yuk reaction, then in giving voice to that reaction, we are no more expressing an aesthetic judgment than if we gave full vent to our nausea itself while blaming our revulsion on the object which was its occasion.<sup>37</sup>

The final three examples in the list of quotations are rather pure cases of the type of obscenity that derives from the blatant violation of moral principles, and thus from shock to the moral sensibilities of one who embraces those principles and beholds their naked transgression. An irresponsible congressional or parliamentary debate is an open, public thing. One can sit in the galleries and observe with one's own eyes and ears undisguised cynicism, bold lies, the bartering of principle for cheap political gain. One might react with anger or disappointment if one read an exposé of subtly concealed corruption "off-stage," but when one sees unveiled and undenied surrender of principle for tarnished political reward right in the public arena, then the very nakedness of the moral offensiveness is "almost obscene." Similarly when an industry's "gross and bloated" profits in a period of general economic hardship violates one's sense of justice in the most direct and unvarnished

way, consisting of a *patently* arbitrary inequality in the distribution of social burdens and benefits, the effect on one's sensibility again is similar in its impact to a rude blow to the solar plexus. Again, there is nothing subtle about obscenity either in its paradigmatic or its (possibly) extended senses.

Finally, the word "nigger" is as blunt and directly insulting a term of contemptuous abuse as there is in the whole vocabulary of the English language. It is not apt to offend everybody, but it surely ought to offend everyone, and at least as much as any other single *word* does. To call it obscene then is to use the word "obscene" in its purely gerundive sense (wholly to endorse revulsion as an appropriate response to it) rather than in its partly predictive sense as a standard aptness word.

5. *An alternative account of obscenity: The view of D.A.J. Richards.* This account of the scope of obscenity differs from that given by David A.J. Richards in his analysis of obscenity which in other respects is probably the most adequate account of the subject yet propounded.<sup>38</sup> Richards's account is similar to the present one in emphasizing the offense-endorsement character of judgments of obscenity and in leaving it an open question, not to be settled immediately by definition, whether any particular class of objects, actions, or depictions are "really obscene." But when Richards surveys the classes of entities generally agreed to be obscene, he extracts from them a relatively narrow common character that would exclude most of the items in our list of "extended uses." It is clear, I think, that Richards would treat talk of obscene profits, obscene debates, obscene ways of dying, obscene punishments, obscene pictures of wounds, obscene exultations in another's death, obscene parodies of human beings, and the like, as mere colorful metaphors of no particular theoretical significance.

Richards identifies the concept of the obscene with that of the "abuse of bodily function."<sup>39</sup> The conceptual complex from which the notion of the obscene derives, according to Richards, is that which attributes to all the various bodily parts and organs under voluntary control "sharply defined functions and ends,"<sup>40</sup> in the same sense as that in which knives and forks, for example, have their natural purposes and uses. The purpose of a knife is to cut; it is an unnatural "abuse" of a knife, therefore, to pick one's teeth, or to stick it in one's ear. Similarly, according to an ancient tradition, "failure to [properly] exercise bodily function is unclean, polluting, an abomination, in short, obscene."<sup>41</sup>

The obscene, thus, is a conceptual residuum of very ancient ways of thinking about human conduct. . . . Obscenity within this view is a kind of vice, a wasting and abuse of the natural employment of bodily functions. Hence, a culture's definition of the obscene will indicate those areas of bodily function in which the culture centrally invests its self-esteem and in which deviance provokes the deepest anxieties. For example, incompetence with respect to excretory function typically defines the frailest members of society, infants and the senile. . . .<sup>42</sup>

Richards differs from current spokesmen for the traditions that generated our Western concept of obscenity not in his analysis of that concept but in his application of it. Older moralists took masturbation, for example, to be the very model of an unnatural abuse of bodily function and therefore obscene and disgusting. Richards, on the other hand, has less restrictive and rigid conceptions of what bodily parts, especially sexual parts, are *for*. Part of their function at least, on his view, is to give harmless pleasure. He finds nothing at all "unnatural," then, in voluntary sexual acts of virtually all descriptions. He is not altogether beyond the moulding influence of his culture, however, as he is the first to admit. Thus, while he suggests that sexual pornography does not seem obscene to him, coprophagy (eating feces) and eating vomit, are quite another story, these being plain abuses of the ingestive function.<sup>43</sup>

Richards's analysis has the substantial merit of leaving the obscenity of any specific type of conduct an open question to be settled not by definition but by argument over the appropriateness of disgust. Disagreements are interpreted as derived from differing conceptions of the natural and proper functions of bodily parts and systems. His account also has the merit of emphasizing the connection between the idea of the obscene and the idea of the impure and filthy, though perhaps he fails to appreciate sufficiently that some yuk reactions are antecedent to, or independent of, religious taboos and metaphysical-theological doctrines. Richards's claim, however, that "abuse of bodily function" is the tacit criterion to which we all appeal in applying the concept of the obscene will not withstand close scrutiny, for as a criterion it is doubly deficient, being at once too broad and too narrow.

Richards's criterion is too broad because it would require that some actions be classified by some people as obscene, whereas in fact, those actions would not be so classified. The official Roman

Catholic condemnation of contraception, as I understand it, rests on a doctrine, similar to that described by Richards, that bodily systems have "sharply defined functions and ends." According to the Church, it is an unnatural abuse of the function of the reproductive system to have sexual intercourse while using mechanical or chemical devices to prevent conception. For that reason, artificial contraception is said to be wrong, immoral, and sinful, but to my knowledge, no churchman would call it "obscene" on those grounds, at least with any pretense at precise judgment as opposed to rhetorical emoting. Obscenity, whatever else it involves, is an aspect of the way things appear. A married couple making love in the privacy of their own bedroom while using contraceptives that would be hidden even from the view of an electronic peeping Tom, are surely not behaving obscenely, whatever the moral quality of their conduct. Only when the offensive aspect of behavior is blatantly obtrusive is it ever considered "obscene." To take one other example of a similar but nonsexual kind, consider smoking. To the enemies of that messy and unhygienic practice, it would seem at least as unnatural a use of the respiratory system as onanism is of the reproductive organs, and almost as unnatural an abuse of the lungs as coprophagy is of the digestive tract. Yet, as far as I know, no one has thought to condemn cigarette smoking as "obscene"—imprudent, reckless, thoughtless, even immoral, but no matter how egregiously and publicly offensive, never obscene.

Richards varies the terms in which he formulates the ground of obscenity, and in one of its formulations it states a criterion which is too broad in still another fashion. One of his favorite ways of stating the matter links obscene acts with the shame one feels when one fails to exercise bodily capacities *competently* (his word) "as dictated by standards in which one has invested self-esteem."<sup>44</sup> Richards's alternate formulations thus mix the distinct ideas of "competent performance" and "natural use and function" in a most confusing way. To use a knife to pick one's teeth is an unnatural use (or abuse) of a knife; to use a knife to cut, but then to cut roughly, unevenly, untidily, may be to use a knife in its natural and proper function, but to use it badly or (even) incompetently, and a would-be craftsman who has invested self-esteem in his work, will feel shame as a result. But there is nothing *obscene* in poor workmanship. Richards's criterion put in terms of "competent exercise of a capacity" would require the classification of private sexual failures—frigidity, impotence, premature ejacula-

tion—as obscene and thus group them with such things as (say) acts of coitus performed publicly with animals.

Richards's statement (or statements) of the criteria actually used to determine obscenity is also too *narrow* since it leads to the exclusion from the category of the obscene acts and objects that are commonly and noncontroversially described as "obscene": slimy things that are "obscene to the touch," "nauseatingly inhuman" looking things, "bleached, obscene, nocturnal Things," "obscene parodies of men," "suffering lumps of flesh," rotting corpses, inappropriate deaths, inappropriate response to deaths, inappropriate discussions of death, obscene spectacles, bloated profits, utterly shameless irresponsibility, blatantly unfair inequalities, public tortures of victims before reveling sadistic audiences, and more. Some (but not all) of these uses of the word "obscene" may be extended beyond standard paradigms of usage, but if so, they have become fixed metaphors and not mere colorful but inaccurate idioms. They all point by analogy to something essential in the central uses of the term, and what they point to is something other than the unnatural abuse, or incompetent misuse, of bodily functions and capacities.

6. *Summary: general characteristics of obscenity.* It is time now to summarize our analysis of the concept of obscenity. According to the foregoing account:

i. Obscenity is an extreme form of offensiveness producing repugnance, shock, or disgust, though the offending materials *can* (paradoxically) be to some degree alluring at the same time.

ii. The word "obscene" functions very much like the words "shocking," and "disgusting," either as a standard aptness word, nonstandardly as a purely predictive word or as a purely endorsing (gerundive) word without predictive function, or, in some contexts, as a descriptive conventional label. When applied to some object *X* in the sense of a standard aptness word, it asserts that *X* would disgust, shock, or repel the average person; it implies (subject to explicit withdrawal) that it so offends the speaker; and it endorses disgust, shock, or repugnance as the correct or appropriate reaction to *X*.

iii. Common to its usage as a standard aptness word and a gerundive word is its employment to *endorse* the appropriateness of offense. It may be impossible conclusively to support such judgments of appropriateness with reasons, but considerations can often be presented that have the effect of inducing others—"relevantly"—



to share one's feelings, and thereby come to appreciate their appropriateness.

iv. The main feature that distinguishes obscene things from other repellant or offensive things is their *blatancy*: their massive obtrusiveness, their extreme and unvarnished bluntness, their brazenly naked exhibition. A subtly hinted offensiveness is not obscene; a devious and concealed immorality is not obscene; a veiled suggestiveness is not obscene. A gradual and graceful disgarbing by a lovely and skilled strip-teaser is erotically alluring, but the immediate appearance on the stage of an unlovely nude person for whom the audience has not been prepared is apt to seem, for its stark blatancy, obscene. And even for the most lascivious in the audience, wide screen projections of highly magnified, close-up, color slides of sex organs, will at the very least be off-putting.

v. There are three classes of objects that can be called "obscene": obscene natural objects, obscene persons and their actions, and obscene created things. The basic conceptual distinction is between the natural objects, whose obscenity is associated with their capacity to evoke *disgust* (the yuk response) and the others, whose obscenity is a function of their *vulgarity*. Obscene *natural objects* are those which are apt to trigger the yuk reaction. In our culture, at least, these are usually slimy, sticky, gelatinous things; excretal wastes, mucous products, pus and snot; pale, cold, lifeless things; and strange, unnatural, inhuman things. Obscene *persons and actions* are those which are coarse and vulgar to an extreme, or those which are brazenly obtrusive violations of any standards of propriety, including both moral and charientic ones. Ascriptions of obscenity to persons or their actions on the grounds of their immorality are nevertheless charientic, not moral, judgments. Blatant immoralities are one class of extremely vulgar or unseemly behavior. When we condemn them as morally wrong we pronounce moral judgment on them; when we condemn them as obscene (for having offended or shocked the moral sensibility) we make the most extreme kind of charientic judgment. In the latter case, we should no doubt be prepared to make an adverse moral judgment as well, but we would have to supplement the purely charientic vocabulary to do so.

Obscene *created things* are blatantly shocking depictions or unsubtle descriptions of obscene persons, actions, or objects. Representations of disgusting (yuky) objects can themselves be disgusting

to the point of obscenity in which case obscenity is an inherent characteristic of the representation itself. In other cases, however, obscenity is a "transferred epithet" referring indirectly to the vulgarity of the creator. In neither case is the ascription of obscenity to the created object a kind of aesthetic judgment.

vi. There are three ways in which objects of any of these kinds can be offensive to the point of obscenity: by direct offense to the senses (some totally unrecognized object may yet be "obscene to the touch"); by offense to lower order sensibilities (an object recognized as a dank cavernous fungus or a slug or a dead body); or by offense to higher sensibilities. The latter category includes blatant exhibition of tabooed conduct (eating pork), of inappropriate responses (lewdly reveling in death), or revolting violations of ideals or principles (bloated profits, cynical irresponsibility). The corruption, perversion, depersonalizing, or mere "parodying" of a human being is likely to strike any observer as obscene in this third way,<sup>45</sup> as are the most amazingly obvious immoralities, done in crass disregard of ethical principles. The deliberate telling of a gross and unvarnished falsehood clearly for the purpose of deceiving others and helping the speaker gain at their expense is an "obscene lie," which will rightly shock the moral sensibility of a standard observer.

vii. Prominent among the types of conduct that shock higher order sensibilities are instances of inappropriate response to the behavior of others. There is a kind of second order morality of response which is especially susceptible to obscene violation. Raucous laughter at the misfortunes of others, for example, is obscene even when the misfortunes are deserved. Even passive witness to the intimately private conduct of others, when it is voluntary and avoidable, is obscene. Public hangings before huge crowds are obscene spectacles even when the crowd is appropriately solemn, insofar as they are intrusions upon privacy and violations of personal dignity. When the crowd is boisterous and lustful for blood, the spectacle is doubly obscene, as both intrusive and inappropriately responsive.

*Voyeurism* is another clear violation of the morality of response. Suppose Mr. and Mrs. *A* are having sexual intercourse in their own room, while unbeknown to them *B* is peeking through the window. There is nothing obscene in what *B* sees, but the fact that he is seeing it is obscene. If a third person *C* perceives *B* peeking at the copulating couple, he beholds an obscene spectacle, and

will be appalled.<sup>46</sup> But if *C*, on the other hand, lewdly exults at what he sees (Mr. and Mrs. *A* copulating while *B* lewdly peeks at them) then he becomes part of the obscene spectacle himself. But a late-arriving third observer *D* who stumbles on to that obscene situation will probably break up in ribald mirth. He is no longer close enough to the primary conduct to be shocked, so derisive laughter will be his appropriate reaction to the bizarre chain of obscene vulgarities that unfolds before his astonished eye.<sup>47</sup>

## Footnotes

1. Justice Potter Stewart, concurring opinion in *Jacobellis v. Ohio*, 378 U.S. 184 (1964). Speaking of "hard-core pornography," Stewart wrote: "I shall not today attempt to define [that category] and perhaps I could never succeed in intelligibly doing so. But I know it when I see it . . ."

2. Harry Kalven, Jr., "The Metaphysics of the Law of Obscenity," *The Supreme Court Review*, 1960, ed. by Philip B. Kurland (Chicago, University of Chicago Press, 1960), p. 2. The development cited by Kalven starts with *U.S. v. Schenck*, 294 U.S. 47 (1919) and extends to *Yates*, 354 U.S. 298 (1958).

3. American Law Institute, *Model Penal Code* § 251.4 (1) (1962).

4. The distinction between "aphrodisiac" and "emetic" obscenity was first put in those terms by Judge John M. Woolsey in his celebrated decision in *United States v. One Book "Ulysses"*, 5 F. Supp. 182 (S.D.N.Y., 1934).

5. Bertrand Russell says of this sort of argumentative overkill: ". . . it is a sign of weakness to combine empirical and logical arguments, for the latter, if valid, make the former superfluous. E.g. 'I was not drunk last night. I had only had two glasses; besides, it is well known that I am a teetotaler.'" Russell's word "superfluous" surely understates the difficulty! See his *History of Western Philosophy* (London: Allen & Unwin, Ltd., 1946), p. 679.

6. *United States v. Roth*, 237 F. 2d 801, n.2 (2d Cir., 1956).

7. Harry Kalven, Jr., *op. cit.*, p. 41.

8. Put in terms of a metaphor that can be useful if not taken too seriously, a person experiences sexual shame when he or she inadvertently arouses the sleeping "censor" who then inflicts (self-) punishment. A person experiences a "thrill" when he or she deliberately "teases" the censor, or risks awakening him, for the sake of the exciting sensation of danger.

9. Even disgust can be "thrilling." Barbara Tuchman reminds us in *A Distant Mirror* (New York: Knopf, 1978, pp. 587-88) that fifteenth century France, exhausted from a century of war, pillage, and plague, cultivated the morbid. "Artists dwelt on physical rot in ghoulish detail: worms wriggled through every corpse, bloated toads sat on dead eyeballs. A mocking, beckoning, gleeful Death led the parade of the Danse Macabre around innumerable frescoed walls . . . [In dramas] the rape of virgins was enacted with startling realism; in realistic dummies the body of Christ was viciously cut and hacked by the soldiers, or a child was roasted and eaten by its mother." Tuchman sums it up well: "The staging of plays and mysteries went to extremes of the horror, as if people needed ever more excess to experience a thrill of disgust."

10. Patrick H. Nowell-Smith, *Ethics* (Harmondsworth, Middlesex: Penguin Books, 1954), p. 72.

11. *Ibid.*, p. 84.

12. *Ibid.*, pp. 85-86.
13. Cf. R.M. Hare, *The Language of Morals* (Oxford: Clarendon Press, 1952), pp. 18-19.
14. Nowell-Smith, *op. cit.*, pp. 62-65 *et passim*.
15. Aristotle, *Nicomachean Ethics* I.3.
16. Peter Glassen, "'Charientic' Judgments," *Philosophy*, April, 1958, pp. 138-46.
17. In Glassen's words: "From *χαριετρος*, genitive of *χαριεις*. ' . . . in At[tic Greek] *χαριεις* was very often used of persons, in relation to qualities of mind, graceful, elegant, accomplished, . . . *oi χαριετρος* men of taste, men of education . . . *oi πολλοι* . . . ' (Liddell and Scott, *A Greek-English Lexicon*, 6th ed., 1869.)"
18. *Ibid.*, pp. 138, 139.
19. *Ibid.*, p. 142.
20. *Loc. cit.*
21. Glassen's phrase is clearly a pleonasm. The only *faux pas* are charientic. A *faux pas* is to the charientic sphere what a peccadillo is to the moral.
22. H.L.A. Hart, *Law, Liberty, and Morality* (Stanford, Cal.: Stanford University Press, 1963), p. 45.
23. Robertson Davies, *Fifth Business* (Harmondsworth, Middlesex: Penguin, 1977), p. 40.
24. H.G. Wells's "The Time Machine," in *Selected Short Stories* (Harmondsworth, Middlesex: Penguin Books, 1958), pp. 7-83, contains vivid descriptions of the repulsive "Morlocks," fictitious sapient creatures who live in the distant future. They are coldly repellent in appearance much in the manner of cavern fungi. It is interesting to note that Wells cannot avoid the word "obscene" in his description: "I felt a peculiar shrinking from these bodies. They were just the half-bleached color of the worms and things one sees preserved in spirit in a zoological museum. And they were filthily cold to the touch." (p. 49) "You can scarce imagine how nauseatingly inhuman they looked—those pale, chinless faces, and great lidless, pinkish-grey eyes!" (p. 53) ". . . this bleached, obscene, nocturnal Thing . . ." (p. 45).
25. Desmond Morris, *The Naked Ape* (New York: McGraw-Hill, 1967), pp. 235ff.
26. *Webster's Third* gives two general definitions of "obscene," one corresponding to my "offensiveness to the senses and/or lower order sensibilities," the other corresponding to my "offensiveness to higher order sensibilities." That dictionary also gives several more specific definitions that can be subsumed under my second heading: "grossly repugnant to generally accepted notions of what is appropriate," "offensive or revolting as countering or violating some ideal or principle," "repulsive by reason of malignance, hypocrisy, cynical irresponsibility, crass disregard of moral or ethical principles." Kurt Baier gives an example of what some people in the 1930's called "the ultimate obscenity": ". . . when Mussolini's son raved about the beauty of Abyssinian villages exploding like stars under the impact of his bombs." See "A Liberal Approach to Pornography," 40 *U. Pitt. L. Rev.* (1979).
27. Quoted by *Webster's Third* from *The Infantry Journal*. Further reference not provided.
28. Quoted by *Webster's Third* from T.R. Ybarra. Further reference not provided.
29. Don Shannon, "Ball Says Kennedy Approved an Order to Overthrow Diem," *Los Angeles Times*, July 25, 1975.
30. Antony Flew, "The Principle of Euthanasia" in A.B. Downing (ed.), *Euthanasia and the Right to Death* (London: Peter Owen, 1969), p. 33.

31. Quoted by *Webster's Third* from *The New Republic*. Further reference not provided.

32. G. Gunderson, Letter to the *International Herald Tribune*, July 15, 1975.

33. Howard Moody, "Towards a New Definition of Obscenity," *Christianity in Crisis*, January 25, 1965.

34. Havelock Ellis, *On Life and Sex* (Garden City, N.Y.: Garden City Publishing Co., 1947), p. 175.

35. Vivian Mercier would take public beheading to be the very standard case of obscenity, but then applies that standard in a very interesting way to public sexual intercourse, emphasizing the violation of privacy and dignity as the chief point of analogy. "Watching," he insists, "makes a difference." "I would as soon witness a public beheading as a public copulation. . . . If performers were counterfeiting the sexual act, I would probably feel as bored as I do during a prolonged death scene; if they weren't pretending, I would feel that I had no business to be watching. This attitude of mine is not incompatible with keen enjoyment of the visual aspects of sex in privacy. It may seem excessive to feel this uneasiness about voyeurism while watching films as well as live performances, yet I cannot help believing that many people share my squeamishness." The quotations are from Mercier's "Master Percy and/or Lady Chatterley" in *Perspective on Pornography*, edited by Douglas A. Hughes (New York: St. Martin's Press, 1970), pp. 31, 32.

36. The reader who is puzzled by this account might consider as a more familiar analogue for aesthetic appeal, that quite positive attraction we call "sex-appeal." It cannot arise when it is "turned off" by physical revulsion, but there is no peculiarly sexual *negative* property of persons. Some people have sex appeal in maximal degree; most have it in some degree or another; some are totally lacking in it. But we do not say of those misshapen unfortunates in the latter group that they have a "negative sex appeal" as if there were some special sort of "negative sexual activity" for which they are especially well suited. If they are so gross or malformed as to excite a genuinely "negative" revulsion in us (as opposed to merely "leaving us cold") there is nothing in any sense *sexual* about that negative response.

37. The view expressed in this paragraph is suggested by George Santayana in *The Sense of Beauty* (New York: Scribner's, 1896), p. 23 *et passim*: ". . . aesthetic judgments are mainly positive, that is, perceptions of good; moral judgments are mainly negative, or perceptions of evil." What Santayana apparently means is that typically an action succeeds morally when it doesn't fail (e.g. by violating a rule or invading a right), but a work fails aesthetically when it doesn't succeed. An act that has neither good nor bad making characteristics is morally neutral (not bad). An object that lacks both good and bad making aesthetic characteristics is aesthetically poor (bad art).

38. David A.J. Richards, "Free Speech and Obscenity Law: Toward a Moral Theory of the First Amendment," *University of Pennsylvania Law Review*, Vol. 123 (1974), pp. 45-91.

39. *Ibid.*, p. 51.

40. *Ibid.*, p. 52.

41. *Loc. cit.*

42. *Loc. cit.*

43. *Ibid.*, p. 56. Richards provides a reference in his footnote 68: "The example of coprophagy occurs in M. De Sade, *120 Days of Sodom* in Vol. 2, *The Complete Marquis De Sade* (P. Gillette translation, 1966), pp. 215, 222. De Sade provides other similar examples, such as eating vomit, which someone might find obscene, even if he would not find pornography obscene. *Id.*, p.

215." Not finding pornography obscene, presumably, is *all* that Richards shares with De Sade.

44. "... the obscene is a subcategory of the objects of shame. Shame is, I believe, properly understood in terms of a fall from one's self-concept in the exercise of capacities which one desires to exercise competently." Richards, p. 51.

45. That is because most of us hold moral principles that attach a certain inviolable sanctity to human nature. Pious persons, of course, also attribute a sacred character to God, and to religious symbols, rites, and sacraments. Sacrilege and profanation of those sacred objects can thus be just as shockingly offensive to religious persons as the blatant abusing or perverting of human nature, yet the word "obscene" is not typically used of profanity and desecration. I think that is because peculiarly religious offensiveness is thought to be "obscene and then some." There is something awesome and frightening about it, as if it were to be followed necessarily by the hushed expectation of lightning bolts and cosmic retribution.

46. Mercier (*op. cit.* pp. 31-32) cites an O'Connor short story with a plot similar to this example. O'Connor's moral, however, is a more fundamental one. Mercier writes: "... I share the view of the narrator in Frank O'Connor's story 'The Man of the World.' Having been persuaded by his friend Jimmy to spy on a young married couple going to bed next door, he doesn't see anything salacious, but as the young wife knelt to pray, he '... felt someone else watching us, so that at once we ceased to be the observers and became the observed. And the observed in such a humiliating position that nothing I could imagine our victims doing would have been so degrading.'"

47. In the characteristic response of sardonic amusement lies the germ of ribald comedy—a form of art not to be confused with obscenity. *D* is struck by the incongruity between the behavior of *B* and *C*, on the one hand, and standards of propriety that he, and presumably they, would espouse, on the other. If he looks at the incongruity from the point of view of the violated standards themselves, then his cynical laughter is directed at the foibles of the flagrantly transgressive parties. But in comic ribaldry there is always some ambivalence, and insofar as *D* identifies with the violating parties, to that extent he is poking fun at the *standards*. That is what contributes the flavor of naughtiness to genuine ribaldry, and (along with the glorying in pure incongruity) distinguishes it from mere scornful derisiveness.

The E. H. Lindley Memorial Lectureship Fund was established in 1941 in memory of Ernest H. Lindley, Chancellor of the University of Kansas from 1920 to 1939. In February 1941 Mr. Roy Roberts, the chairman of the committee in charge, suggested in the *Graduate Magazine* that

the Chancellor should invite to the University for a lecture or a series of lectures, some outstanding national or world figure to speak on "Values of Living"—just as the late Chancellor proposed to do in his courses "The Human Situation" and "Plan for Living."

In the following June Mr. Roberts circulated a letter on behalf of the Committee, proposing in somewhat broader terms that

The income from this fund should be spent in a quest of social betterment by bringing to the University each year outstanding world leaders for a lecture or series of lectures, yet with a design so broad in its outline that in the years to come, if it is deemed wise, this living memorial could take some more desirable form.

The fund was allowed to accumulate until 1954, when Professor Richard McKeon lectured on "Human Rights and International Relations." The next lecture was given in 1959 by Professor Everett C. Hughes, and has been published by the University of Kansas School of Law as part of his book *Students' Culture and Perspectives: Lectures on Medical and General Education*. The selection of lecturers for the Lindley series has since been delegated to the Department of Philosophy. The following lectures have been published in individual pamphlet form and may be obtained from the Department at a price of one dollar and fifty cents each.

- \*1961. "The Idea of Man—An Outline of Philosophical Anthropology."  
By José Ferrater Mora, Professor of Philosophy, Bryn Mawr College.
- 1962. "Changes in Events and Changes in Things."  
By A. N. Prior, Professor of Philosophy, University of Manchester.
- \*†1963. "Moral Philosophy and the Analysis of Language."  
By Richard B. Brandt, Professor of Philosophy, Swarthmore College.
- \*†1964. "Human Freedom and the Self."  
By Roderick M. Chisholm, Professor of Philosophy, Brown University.
- †1965. "Freedom of Mind."  
By Stuart Hampshire, Professor of Philosophy, Princeton University.
- \*†1966. "Some Beliefs about Justice."  
By William K. Frankena, Professor of Philosophy, University of Michigan.
- †1967. "Form and Content in Ethical Theory."  
By Wilfrid Sellars, Professor of Philosophy, University of Pittsburgh.
- †1968. "The Systematic Unity of Value."  
By J. N. Findlay, Clark Professor of Philosophy, Yale University.
- 1969. "Buber and Buberism—A Critical Evaluation."  
By Paul Edwards, Professor of Philosophy, Brooklyn College of the City University of New York.
- 1971. "What Actually Happened."  
By P. H. Nowell-Smith, Professor of Philosophy, York University.
- †1972. "Moral Rationality."  
By Alan Gewirth, Professor of Philosophy, University of Chicago.
- †1973. "Reflections on Evil."  
By Albert Hofstadter, Professor of Philosophy, University of California, Santa Cruz.
- ††1974. "What is Dialectical?"  
By Paul Ricoeur, Professor of Philosophy, University of Paris and University of Chicago.
- ††1975. "Some Confusions About Subjectivity."  
By R. M. Hare, White's Professor of Moral Philosophy at Oxford University and Fellow of Corpus Christi College.
- 1976. "Self-Defense and Rights."  
By Judith Jarvis Thomson, Professor of Philosophy, Massachusetts Institute of Technology.
- 1977. "What is Humanism?"  
By Georg Henrik von Wright, Research Professor of Philosophy, The Academy of Finland.
- 1978. "Moral Relativism."  
By Philippa Foot, Senior Research Fellow, Somerville College, Oxford; and Professor of Philosophy, University of California, Los Angeles.

\* Pamphlet out of print.  
† Reprinted in *Freedom and Morality*.  
†† Printed only in *Freedom and Morality*.